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In re application of: P. Laine

Attorney Docket No.: 944-003.016

Application No.: 10/041,706

Group No.: 2644

Filed: January 4, 2002

Examiner: Jefferey F. Harold

For: METHOD AND APPARATUS FOR PRODUCING RINGING TONES IN A COMMUNICATION DEVICE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION (Paper No.5)

Sir:

This responds to the Non-Final Office Action, mailed June 14, 2004.

In the patent application, claims 1-41 are pending. In the office action, claims 1-4, 6, 8, 10-18, 20-23, 27-29 and 31-39 are rejected, and claims 5, 7, 9, 19, 24-26, 30, 40 and 41 are objected to but would be allowable if rewritten in independent form.

At section 2 of the office action, claims 1-4, 6, 10-13, 18, 20-23, 27-29, 31, 32 and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by *Nagasawa* (U.S. Patent No. 6,707,908 B1). In rejecting these claims, the Examiner states that *Nagasawa* discloses a telephone terminal providing ringing tones as claimed. In particular, the Examiner points to Figures 4-7, and col. 5, line 42 to col. 6, line 31 in *Nagasawa*.

I hereby certify that this correspondence is being deposited today, September 7, 2004, with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cathy Sturmer

It is respectfully submitted that, in the claimed invention, the method comprises the steps of: 1) generating a sequence of musical notes defined by pitch and duration; 2) modifying the sequence according to a set of rules regarding the pitch and the duration of the musical notes within the sequence; and 3) repeating the modified sequence.

In contrast, *Nagasawa* discloses storing a plurality of melodies and selecting the melodies in a medley reproduction. *Nagasawa* discloses a medley editing and reproduction part 9 in Figure 1, and an editing step S5 in Figure 6. The editing condition, according to *Nagasawa*, includes a number of pieces of melodies or music in the medley, the reproduction time of each melody, the fade-in/fade-out time of each piece of music and the order of the pieces of music.

In Figure 4, *Nagasawa* shows in the display 15 three items including the introduction scan time, the fade-in/fade-out time and the number of pieces of music in the medley so as to allow a user to input or set the items with various input keys (col. 5, lines 52-62).

Figures 5a and 5b show the transition timing of the medley reproduction state (col. 5, lines 46 – 51; col. 7, lines 5-22). For example, the fade-in/fade-out time T2 in Figure 5a is longer than the fade-in/fade-out time T4 in Figure 5b.

Figure 6 is flowchart showing the steps in selecting melody for medley editing purposes (col. 6, lines 26-27).

Figures 7a – 7i show a medley editing operation wherein a plurality of melodies are selected for setting a medley (col. 6, line 23 to col. 7, line 8).

It is respectfully submitted that *Nagasawa* only discloses a method of selecting a plurality of melodies for forming a medley in order to reproduce a plurality of melody data stored in the melody data memory based on a preset editing condition at the time of reproducing a receipt sound in a telephone terminal device (col. 1, lines 56-64). *Nagasawa* does not change the pitch or duration of the musical notes within a piece of music, but changes the number of stored pieces of music in a medley with editable fade-in/fade-out time.

For the above reasons, claims 1, 20 and 31 are clearly distinguishable over the cited *Nagasawa* reference.

As for claims 2-4, 6, 10-13, 18 21-23, 27-29, 32 and 36-39, they are dependent from claims 1, 20 and 31 and recite features not recited in claims 1, 20 and 31. For reasons regarding